

United States District Court
Northern District of New York
CIVIL JUDGMENT

CONNIE MATHER and SCOTT MATHER
as Parents and natural Guardians
of S.M., a Minor Child,

Plaintiffs,

V.

WILLET DAIRY, LLC; WILLET DAIRY,
INC.; DENNIS ELDRED and SCOTT ELDRED,
Defendants.

Case Number:

5:04cv917 (FJS/GJD)

[X] **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED, that Defendants' motion for summary judgment is **GRANTED** with regard to Plaintiffs' Clean Water Act, Resource Conservation and Recovery Act, Rivers and Harbors Act, and N.Y. Environmental Conservation Law claims, as well as Plaintiffs' request for a declaratory judgment; and it is further

ORDERED, that Plaintiffs' remaining state-law claims for negligence, trespass, and public and private nuisance are **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1367; and it is further

ORDERED that Plaintiffs' cross-motion for partial summary judgment is **DENIED**; and it is further

ORDERED that Defendants' motion to preclude Plaintiffs' experts is **DENIED AS MOOT**.

All of the above pursuant to the order of the Honorable Chief Judge Frederick J. Scullin, Jr., dated the 17th day of July 2007.

Dated: July 18, 2007

LAWRENCE K. BAERMAN,
CLERK OF COURT

s/

MARIE N. MARRA, DEPUTY CLERK